

Water Policy Technical Advisory Committee
Minutes of Meeting of September 11, 2003
9:00 a.m. to 4:00 p.m.

Attendance:

Water Policy Technical Advisory Committee Members:

Bob Burnley, DEQ	Patti Jackson, James River Association
Tom Gray for Robert Taylor, VDH	Sam Hamilton, VA. Agribusiness Council
Tom Botkins, VMA	David Kovacs for Jesse Richardson, VAPA
Mike Thacker, AEP	Jerry Higgins, Blacksburg, Christiansburg, VPI
Shelton Miles, CPR	Water Authority
Frank Sanders, City of Winchester	Jeffery Irving, U.S. Army Corps of Engineers
Judy K. Dunscomb, The Nature Conservancy	Josh Rubinstein, VA. Rural Water Association
Terry Reid, VAWWA	Robert Conner, Brunswick County
Cathy Taylor, Dominion	Ward Staubitz, USGS
Mike West, HBAV	David Paylor, Deputy SNR
Brian Ramaley, Newport News Water Works	
Eldon James, RRBC	

Members Absent:

Christopher Miller, Piedmont Environmental Council	William Stoneman, VA. Farm Bureau
Ed Imhoff	William E. Cox, Virginia Tech
Dan Kavanaugh, VAPDC	Guy Aydlett, VAMWA
Charlie Crowder, Fairfax County Water Authority	Art Petrini, Henrico County
	Robert Royall, VA. Water Well Association

DEQ and Facilitation staff:

Terry Wagner	Ellen Gillinsky
Scott Kudlas	Barbara Hulburt
Joe Hassell	Mark Rubin
Kathy Frahm	Bill Ellis

Interested Parties:

John Kauffman, DGIF	Brent Waters, Golder Associates
John Carlock, VAPDC alternate	Paul Jacobs, Christian & Barton
Becky Mitchell, City of Virginia Beach	Ray Jackson, WWAC
Thomas Leahy, City of Virginia Beach	Tom Roberts, VMA alternate
Craig Ziesemer, City of Suffolk	
John Lain, AWWA	
Paul Holt, City of Richmond	
Larry Land, VACO	
Denise Thompson, VML	
Kristen Lentz, City of Norfolk	

Summary of the Meeting:

The minutes of the previous meeting were received without objection or correction.

The purpose of the meeting was stated to be to move on to the next phase of the TAC's work by beginning to work on actual language for the regulation. Barbara Hulburt outlined several questions for TAC members to consider as they reviewed the proposed language:

1. Has the concept itself been captured?
2. If not, what is wrong/what is missing?
3. If yes, but folks have wording issues—then discuss.

She also said that we allocate time to address some overarching issues identified by the TAC and drafting issues developed by DEQ staff. She said Mark Rubin would be taking the lead in facilitating the discussion on the draft language.

Terry Wagner introduced the language drafted to date by asking the TAC to remember that this language is just a first draft and does not include all of the areas the TAC identified as necessary for local planning. He stated that DEQ staff tried to capture what was discussed in all of the groups. He also said that staff focussed on what were believed to be the simplest parts of the regulation first: current sources, current uses, and future needs. He told the TAC that while some definitions are included, he expected that additional definitions would be identified as we moved through the language.

The floor was opened for general comments and questions on the draft language. There were a number of comments from the TAC that there was a need for funding to carryout the planning effort envisioned by this draft. TAC members made it clear that they did not want to lose sight of this need and that funding had to be addressed through this process. Another general concern expressed was how these local and regional plans fit into the state plan.

Mark Rubin provided the TAC with a review of contacts with State Water Commission members and the request by the Commission for a presentation on the TAC process. The State Water Commission requested a presentation at their September 30th meeting. He described the discussions with the legislators as positive and indicated that the understood the need for money.

There was general discussion among the TAC regarding funding, incentives, and the uniqueness of the regulation having to go back to the General Assembly for review.

A handout was provided that outlined drafting issues to familiarize the TAC with what other sections staff anticipated requesting guidance on drafting.

The TAC suggested that a definition of incentives was needed. This was followed by discussion of the context provided by the legislation for incentives which was for promoting the use of alternative water sources such as desalination.

The TAC suggested the need to clarify the work of Group #2 regarding the terms "planning area," "service area," and "study area." Definitions for these terms are needed. DEQ staff will attempt to revise language accordingly.

There was a significant discussion regarding the use of the terms "conservation" and "demand management" within the context of water supply/water resource planning. There was not consensus within the TAC on how this issue should be addressed. Some TAC members felt that reducing demand was only possible as part of the future needs projection, others felt demand management was another conservation measure, others felt demand should be treated more broadly, and still others felt the term needed further definition.

A discussion of the definition of "water supply plan" followed. There was a lot of discussion about how the definition relates to the definitions used by the Health Department. DEQ staff told the TAC that they derived the definition from VDH's definition of non-transient community water supply. Some TAC members expressed concern regarding the relationship between this water supply plan definition and the definitions contained in other state and federal law. The concern was that new definitions should not be created. Other TAC members expressed a concern that some of the other state and federal definitions were difficult for the average person to understand and a simple definition for this regulation was worthwhile for that reason. Some language amendments were suggested for DEQ staff to make regarding what a plan is/does.

The TAC broke for 15 minutes.

After returning, the TAC discussed some concerns regarding the state plan and how it relates to these regulations. DEQ staff indicated that they were still collecting information and hoped to present some of it to the TAC by the end of the month. DEQ staff also reminded the TAC that the preliminary plan would be largely a compilation of existing local and regional plans with a collection of issues or recommendations on the water resource side. DEQ staff also suggested that additional work would take place over the coming year (2004).

The TAC moved to a discussion of "regional water supply plan." There were a variety of opinions about how this term should be used. Some members suggested that incentives had to be a part of the definition and others said the best thing to do was to separate the regional definition from incentives. DEQ staff explained that there were some differences between work groups regarding what units of government and how many should constitute a regional planning unit. Others suggested that the way to go was

to separate plans from projects. The discussion turned to who was actually preparing and submitting a plan and whether authorities could do so independently of an individual locality for their service area. [This issue went unresolved.] Other TAC members were concerned that the definition would inhibit river basin planning which was the most appropriate unit of analysis for resource planning. Language was suggested to DEQ staff to revise the definition and a suggestion was made to review the regional definition in the solid waste planning regulations.

The TAC broke for Lunch.

The discussion moved to Part II: Requirements of local and regional plans. Again several members of the TAC raised the issue of funding. Additional comments included the need to increase the compliance timeframe for submitting a plan to 2-3 years to as long as 5 years. Another alternative was suggested to have staggered submission deadlines based on some criteria to phase in the planning requirement with regional plans getting the longest timeframe. Another suggestion was to use the 80% VDH rule as a threshold. DEQ staff will take these suggestions and provide a phased approach for review.

The TAC made suggestions on revising the language pertaining to the required executive summary. Regarding the items required in the plan, there was a lot of discussion about the level of detail needed and the concern about security if it was publicly available. It was recommended that an additional item to be evaluated would be the location of wastewater treatment discharge points. Another recommendation was to clarify that the information requested is readily available and does not require additional studies to generate. A lengthy discussion took place regarding planning areas, service areas, and study areas. The direction from the TAC was that DEQ staff develop a definition of a regional planning unit that is consistent with the concept of planning area.

The TAC had another lengthy discussion about the level of detail and availability of data for the plan particularly as it related to sources outside the planning area and the timing of reporting. A suggestion to DEQ staff was to address more complex reservoir systems and clarify a number of issues regarding MIF, GMAs, and what is submitted to document water purchases. Another suggestion was to change the heading to existing water “sources” instead of “supplies.”

The discussion of “firm yield” was postponed to the beginning of the next meeting. TAC members were encouraged to send their comments on the issue to DEQ staff.

The TAC moved to a discussion of drafting issues for the next meeting.

The initial discussion related to the need for, level of detail, and costs required for an assessment or inventory of existing environmental conditions. DEQ staff expressed their intent to use available information. Several TAC members expressed the need to better address water use for multiple beneficial uses. One suggestion was to use DCR’s

Outdoors Plan as a source of information on recreation uses. Another suggestion was to add a requirement to include cultural and historical resources. Another was to include important species and anadromous fish.

Regarding the development of a review/approval process, the TAC suggested the involvement of a number of other state agencies in the process and those neighboring localities are notified.

Regarding water conservation measures and drought response, the TAC seemed to concur that the two issues should be discussed separately. There was additional discussion about where in the regulation the subjects should be. In addition, a suggestion was made to include Low Impact Development as a conservation measure.

DEQ staff told the TAC that they would supply these revisions prior to the meeting along with some new language. The next meeting is scheduled for September 29, 2003, at the same location and time.

The meeting was then adjourned.